

40055-0001

10/635,362

IN THE DRAWINGS:

Applicant submits herewith a replacement sheet bearing Fig. 9. The only change is the addition of reference number "903" which was used in the text of the specification to refer to the side view at the bottom of the drawing sheet. No new matter has been added. Entry of the replacement drawing sheet is respectfully requested.

40055-0001

10/635,362

REMARKS

This is a full and timely response to the non-final Official Action mailed August 19, 2005. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, the specification and various claims have been amended. Additionally, new claims 28-32 have been added. Claims 16-27 were withdrawn under a previous restriction requirement and are cancelled herein without prejudice or disclaimer. Applicant expressly reserves the right to file any number of continuation or divisional applications to the withdrawn and cancelled claims or to any other subject matter disclosed in the present application. Thus, claims 1-15, and 28-32 are currently pending for further action.

Drawings:

The recent Office Action objected to the drawings under 37 C.F.R. § 1.84(p)(5) due to various informalities. These informalities have been corrected herein with amendments to the specification and/or a replacement drawing sheet as described above. Consequently, following entry of this amendment, the objections to the drawings should be reconsidered and withdrawn.

Specification:

The Office Action next objected to the abstract of the specification. The abstract has been accordingly amended herein and the objection to the abstract should now be reconsidered and withdrawn.

40055-0001

10/635,362

35 U.S.C. § 112, Second Paragraph:

The Office Action rejected claims 5 and 7 under 35 U.S.C. § 112, second paragraph. This issued has been addressed by the present amendment. Specifically, the dependency of these claims has been changed herein by amending claims 4 and 6. Consequently, following entry of this amendment, the rejection under § 112 should be reconsidered and withdrawn.

Prior Art:

In the recent Office Action, claims 1-9 and 13 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 3,099,389 to Vadnai ("Vadnai"). This rejection is respectfully traversed for at least the following reasons.

Vadnai merely teaches a "toy post office" that includes some printed material on the toy to facilitate its intended use. The teachings of Vadnai are entirely unrelated to a method of using a piece of furniture to store written memoranda as disclosed and claimed by the Applicant.

Specifically, claim 1 recites: "A method for storing handwritten writings, said method comprising storing said *handwritten* writings on a piece of furniture, wherein said furniture comprises a member comprising a surface of a material used to construct said furniture that is *configured to permanently receive said handwritten writings*." (emphasis added).

In contrast, Vadnai does not teach or suggest a method of storing "handwritten writings." Vadnai does not teach or suggest "storing said *handwritten* writings on a piece of furniture." Vadnai further does not teach or suggest a method involving furniture that "comprises a member comprising a surface ... that is configured to permanently receive said handwritten writings."

40055-0001

10/635,362

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claim 1 and its dependent claims based on Vadnai should be reconsidered and withdrawn.

Additionally, the various dependent claims rejected based on Vadnai recite subject matter that is not taught or suggested by Vadnai. Specific examples follow.

Claim 2 recites "preparing said member with markings to facilitate placement of said writings on said member." Vadnai does not teach or suggest this subject matter, and the Office Action fails to indicate how or where Vadnai teaches or suggests such subject matter.

Claim 3 recites "moving said member from a retracted position to an exposed position *prior to storing said writings.*" (emphasis added). There is nothing in Vadnai that suggests the toy was assembled without writings and *then* a member was moved from a retracted position to an exposed position prior to storing said writings. Consequently, Vadnai fails to teach or suggest the subject matter of claim 3.

In the alternative, claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 668,582 to McClintock ("McClintock"). For at least the following reasons, this rejection is respectfully traversed.

Again, claim 1 recites: "A method for storing handwritten writings, said method comprising storing said handwritten writings on a piece of furniture, wherein said furniture comprises *a member comprising a surface of a material used to construct said furniture that is configured to permanently receive said handwritten writings.*" (emphasis added).

40055-0001

BEST AVAILABLE COPY 10/635,362

In contrast, McClintock does not teach or suggest the claimed method for storing handwritten writings on a piece of furniture, where the furniture comprises "*a member comprising a surface of a material used to construct said furniture that is configured to permanently receive said handwritten writings.*" Rather, McClintock merely teaches a "tablet file case" in which "file drawers" (4) include fasteners (17) that are used to secure papers including "different printed forms" in the file drawer (4). (McClintock, page 2, lines 1-17).

Thus, McClintock merely teaches a method of securing printed paper forms in a file drawer. McClintock does not teach or suggest the claimed method of "storing handwritten writings, said method comprising storing said handwritten writings on a piece of furniture, wherein said furniture comprises *a member comprising a surface of a material used to construct said furniture that is configured to permanently receive said handwritten writings.*" (emphasis added).

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claim 1 based on McClintock should be reconsidered and withdrawn.

Claims 10-12 were rejected under 35 U.S.C. § 103(a) over the teachings of Vadnai taken alone. Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) over the teachings of Vadnai and Yemini (of record). Claims 2-11 were rejected under 35 U.S.C. § 103(a) over the teachings of McClintock in view of O'Connor (of record). These rejections are all respectfully traversed for at least the same reasons given above with respect to the traversal of the rejections of independent claim 1.

40055-0001

10/635,362

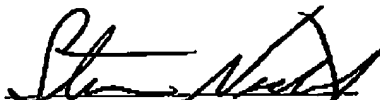
Conclusion:

The newly added claims are thought to be patentable over the prior art of record for at least the same reasons given above with respect to the original independent claims. Therefore, examination and allowance of the newly added claims is respectfully requested.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

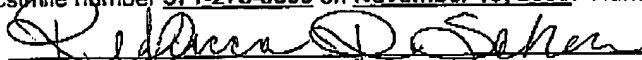
DATE: 18 November 2005


Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number **571-273-8300** on **November 18, 2005**. Number of Pages: **17**


Rebecca R. Schow